

MINUTES
PLANNING COMMITTEE

July 2, 2014

A meeting of the Planning Committee of the Council of the County of Kaua'i, State of Hawai'i, was called to order by Tim Bynum, Chair, at the Council Chambers, 4396 Rice Street, Suite 201, Līhu'e, Kaua'i, on Wednesday, July 2, 2014, at 10:29 a.m., after which the following members answered the call of the roll:

Honorable Mason K. Chock, Sr.
Honorable Ross Kagawa
Honorable Mel Rapozo
Honorable Tim Bynum (*excused 10:30 a.m.*)
Honorable JoAnn A. Yukimura
Honorable Gary L. Hooser, Ex-Officio Member

Excused: Honorable Jay Furfaro, Ex-Officio Member

The Committee proceeded on its agenda item, as follows:

Minutes of the June 4, 2014 Planning Committee Meeting.

Upon motion duly made by Councilmember Kagawa, seconded by Councilmember Yukimura, and unanimously carried, the Minutes of the June 4, 2014 Planning Committee Meeting was approved.

There being no objections, the Committee recessed at 10:30 a.m., to convene in the Environmental Services / Public Safety / Community Assistance Committee.

The meeting was called back to order at 3:27 p.m., and proceeded on its agenda item, as shown in the following Committee Report which is incorporated herein by reference:

(Note: Committee Chair Bynum was excused.)

CR-PL 2014-05: on C 2013-271

Communication (07/16/2013) from Ian K. Jung, Deputy County Attorney, recommending Council approval of a Grant of Pedestrian and Parking Easements relating to Kahuaina Plantation Subdivision (S-2007-02) and Kahuaina Plantation Subdivision Phase II (S-2009-15):

- Grant Of Pedestrian And Parking Easements; concerning real property identified as Lot 15-A (TMK (4) 5-1-003:006), Lot 15-D (TMK (4) 5-1-003:032) and Lot 15-K (TMK (4) 5-1-003:039) (**Referred to full Council.**)

The Committee proceeded on its agenda item, as follows:

Bill No. 2461, Draft 1 A BILL FOR AN ORDINANCE TO AMEND CHAPTER 8, KAUAI COUNTY CODE 1987, AS AMENDED, RELATING TO THE COMPREHENSIVE ZONING ORDINANCE (*Amendments to the Shoreline Setback Ordinance*) (This item was deferred to August 6, 2014.)

Ms. Yukimura: As a person who is working with the working group, I would like to ask for a deferral to August 6, 2014. We had a meeting yesterday and it was a very productive meeting. I think we are getting very, very close. I know I have said this many times but I think we are and Councilmember Chock was at the meeting as well as many others. I want to acknowledge the testimony that I saw from Carl Imparato. I want to really take issue with him that this is a develop...the working group is a developers group. The majority of the group are public officials and environmentalists actually if you add those two (2) groups together. I also have this...it was the spirit we experienced today on the football games and shearwater issue. It is also apparent or it feels to me like we have that same spirit in our shoreline setback group. A spirit of problem solving and trying to find the best solution for the common good and certainly we have different perspectives but I feel like everybody is trying to find a good bill to pass into law. Any discussions or questions on this matter? Councilmember Kagawa.

Mr. Kagawa: I guess a question for you and Councilmember Chock. Do you see...because I know when we headed back into negotiations I could sense we taking a step back a little bit but are you seeing progress with both sides trying to compromise on some of the contentious issues?

Ms. Yukimura: I am seeing that definitely though I must say one (1) side keeps coming up with issues when we thought we resolved them but like the feral cats task force, I do not think we will get to complete agreement and anyway it is not that group's responsibility to make the decision. They will eventually come to us with whatever...it could be a completely agreed upon bill or there could be dissenting opinions and it will be this Council that has to listen to the arguments on either side and make a decision.

Mr. Kagawa: I agree with that it is just I was just wondering if...did you foresee future deferrals after August 6, 2014?

Ms. Yukimura: I really hope not and I think we can actually take final action on it. That is my sense although I have said that before and I have had to eat my words and ask for another deferral but we are a month away and I feel like we were very close yesterday. We are going to have one (1) more meeting.

Mr. Kagawa: I want to thank you and Mr. Chock for your work. Thank you.

Ms. Yukimura: Councilmember Rapozo.

Mr. Rapozo: I did request a...

Ms. Yukimura: A legal opinion.

Mr. Rapozo: Well, not only that...I know that has been sent over and I did...no, I requested a chart of all of the changes in the Bill, all of the amendments like how we did the Comprehensive Zoning Ordinance (CZO) because there were so many and things are being moved from one (1) section to another section. It is very, very hard if you are not part of that work group or taskforce to follow. I made a request that I wanted to see each change in a chart with an explanation of the change and basically the justifications. Just for us that do not participate and cannot participate because of the Sunshine Law in the discussion. That it would give us a much easier opportunity, a cleaner way to look at the changes because I will be honest with you, I cannot follow what you folks have been doing because of the amount of changes. So a chart like that, like we did with the CZO amendment process would make it a lot easier for us, for me, anyway.

Ms. Yukimura: Well I think that is a very good request and I believe...Peter, we can do that, right?

Mr. Rapozo: I do not know if it should come from us or...was that Bill not proposed by the Administration initially?

Ms. Yukimura: Yes.

Mr. Rapozo: If I am not mistaken it was submitted by request?

Ms. Yukimura: Yes but there have been a year and a half of changes that have been done at this Council level.

Mr. Rapozo: Whoever does it I just think it needs to be done.

Ms. Yukimura: We will work on that. I understand your question and your concern because it is just not the...it is not only the number of changes but it is just a very complex bill and subject so it is hard sometimes for even us to keep track of them. I think it would be a good framework for us to present the

Bill by and your speaking up has reminded me that you had asked for a legal opinion about activities and...

Mr. Rapozo:

The compliance with Chapter 205.

Ms. Yukimura: Yes, 205A. I am that is forthcoming? You can nod. Okay, yes is the answer so we will have that by August 6, 2014 as well or hopefully before that. Mr. Jung says we will get his legal opinion before that. Any other discussion?

Mr. Chock: I just wanted to add to the conversation for the questions so that everyone is kind of up to date and I agree with everything that Councilmember Yukimura said. I believe that we probably will not get to one hundred percent (100%) consensus here, however, I think the newest process or request is that those who are disagreeing constantly with the outcome take a little more proactive approach in actually making the edit so that we can come back and look at those edits from their point of view which I think might be a little different in terms of the approach which we have done before. Hopefully...there is a lot more work that could be done and so I am hopeful and yet I would not be surprised if it went a little further.

Ms. Yukimura:

Councilmember Kagawa.

Mr. Kagawa: I made one (1) request the last time we were discussing the Bill and I had asked the Planning Director or the group to provide some real life scenarios. I would like to know how far houses would be required to be setback and I never got those at that Committee level and I do not know if we can...because it differs by lot size, right? And so if I could see a few different scenarios I think that would be helpful for me especially if those are the areas of contention and I believe those are because I am looking at Carl's amendments that are requested.

Ms. Yukimura: Thank you for that reminder and staff, can we make sure we put that request to Ruby Pap from Sea Grant?

Mr. Kagawa: I am not talking about doing tons of work. I am just saying show one (1) small lot difference and one (1) big lot difference. I mean something like that we could see how it applies to one (1) lot, like where the house could be under the old ordinance. Where does it have to be under the new ordinance and I think that would help me a little bit. Thank you.

Ms. Yukimura: Okay, thank you. Any other thoughts, comments, or questions? If not, Chair will entertain a motion to defer to August 6, 2014.

Upon motion duly made by Councilmember Kagawa, seconded by Councilmember Rapozo, and carried by a vote of 4:0:1 (*Councilmember Bynum was excused*), Bill No. 2461, Draft 1, was deferred to August 6, 2014 Planning Committee meeting.

There being no further business, the meeting was adjourned at 5:05 p.m.

Respectfully submitted,



Lori L. Marugame
Council Services Assistant I

APPROVED at the Committee Meeting held on July 16, 2014:



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CHAIR, PLANNING COMMITTEE